

DOUGLAS N. LETTER
GENERAL COUNSEL

TODD B. TATELMAN
DEPUTY GENERAL COUNSEL

MEGAN BARBERO
ASSOCIATE GENERAL COUNSEL

JOSEPHINE MORSE
ASSOCIATE GENERAL COUNSEL

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF GENERAL COUNSEL

219 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6532
(202) 225-9700
FAX: (202) 226-1360

KRISTIN A. SHAPIRO
ASSISTANT GENERAL COUNSEL

BROOKS M. HANNER
ASSISTANT GENERAL COUNSEL

SARAH E. CLOUSE
ATTORNEY

May 21, 2019

VIA CM/ECF

Hon. Haywood S. Gilliam, Jr.
United States District Judge
Ronald V. Dellums Federal Building
& United States Courthouse
1301 Clay Street
Oakland, CA 94612

Re: *California et al. v. Trump et al.* (Case No. 19-872) & *Sierra Club et al. v. Trump et al.* (Case No. 19-892)

Dear Judge Gilliam:

I write on behalf of the U.S. House of Representatives with regard to a question posed by the Court at the May 17, 2019, hearing in the above-captioned cases. At the hearing, the Court noted that in *House v. Mnuchin et al.* (D.D.C. Case No. 19-969), the House's preliminary injunction application stated that "[b]ased on information provided to Congress by the Administration, it appears that [U.S. Customs & Border Protection (CBP)] has constructed less than 1 mile of fencing" with the \$1.571 billion that Congress appropriated for such construction for fiscal year 2018. House Mot. for Prelim. Inj. at 6; *see also* Tr. at 16. The Court asked whether there was "a public record" citation for this proposition or whether the House could explain the basis for the proposition. Tr. at 16. Undersigned counsel promised to "check on that and get the specific reference for [the Court]." *Id.* at 17.

To the House's knowledge, there is no public record citation for the proposition. The House's representation was "[b]ased on information provided to Congress by the Administration" on the status of its construction efforts as of February 28, 2019. House Mot. for Prelim. Inj. at 6. The Administration recently provided updated information to Congress on the status of its efforts as of April 30, 2019. Based on that updated information, it appears that CBP has now constructed 1.7 miles of fencing with its fiscal year 2018 funding.

Respectfully submitted,

/s/ Douglas N. Letter

DOUGLAS N. LETTER (D.C. Bar No. 2533492)

General Counsel

TODD B. TATELMAN (VA Bar No. 66008)

Deputy General Counsel

MEGAN BARBERO (MA Bar No. 668854)

Associate General Counsel

JOSEPHINE MORSE (D.C. Bar No. 1531317)

Associate General Counsel

KRISTIN A. SHAPIRO (D.C. Bar No. 1007010)

Assistant General Counsel

BROOKS M. HANNER (D.C. Bar No. 1005346)

Assistant General Counsel

OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
219 Cannon House Office Building
Washington, D.C. 20515
Telephone: (202) 225-9700
douglas.letter@mail.house.gov

*Counsel for Plaintiff the United States House of
Representatives*

May 21, 2019

cc: All counsel who have appeared in this case (via ECF)